

Making social security numbers confidential under certain circumstances

HB 1053 by Rodriguez, et al. (Ellis)

DIGEST: HB 1053 would have prohibited a person from:

- publicly displaying an individual's social security number;
- requiring transmission of a social security number over the Internet unless using a secure connection or encryption;
- requiring a social security number for a person to obtain access to a website, unless a password or other authentication device also was required for access;
- printing a social security number on an access card; or
- printing a social security number on mailed materials, unless they were part of an application process, amending an account, or confirming the accuracy of the social security number itself.

Beginning January 1, 2006, companies using social security numbers in a prohibited manner would have had to notify annually the people whose social security numbers they used of their right to stop public use of their social security numbers. An entity that received a written request from a person to stop using his or her social security number in a prohibited manner would have had to comply, at no cost to the requestor, within 30 days of receipt and could not have denied products or services to the requestor. The bill would not have applied to a governmental body as defined under the Public Information Act, nor to a person who used social security numbers as required by federal or state law, including state public information laws.

GOVERNOR'S
REASON FOR
VETO:

"I support the intent of House Bill No. 1053 to prevent identity theft by protecting the confidentiality of Social Security numbers. However, this bill conflicts with Senate Bill No. 473 [by Ellis], which I have signed and which addresses the confidentiality of Social Security numbers in a more comprehensive manner."

RESPONSE:

Rep. Eddie Rodriguez, author of HB 1053, said: "The governor's veto of HB 1053 was well considered and an appropriate action. I doubt that there is conflict between the two bills in question, but the overlapping language (which is identical) would have been placed in separate codes of Texas law. The other bill was authored by the same member of the Senate who sponsored this vetoed bill for me. Texans are better off by the passage of this new protection. The veto of HB 1053 does not compromise its effect."

Sen. Rodney Ellis, the Senate sponsor, said he had no problem with the veto because important elements of HB 1053 also appear in SB 473, which takes effect September 1, 2003.

NOTES:

HB 1053 was analyzed in the May 2 *Daily Floor Report*. SB 473 was analyzed in Part One of the May 23 *Daily Floor Report*.